

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF GEORGIA
ALBANY DIVISION**

DERRICK DEXTER COLEY,

Plaintiff,

v.

SHERIFF PETE SMITH, *et al.*,

Defendants.

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Case No. 1:09-CV-107 (WLS)

ORDER

Before the Court is a Report and Recommendation from United States Magistrate Judge Richard L. Hodge filed July 27, 2009. (Doc. 8). It is recommended that Defendants Sheriff Pete Smith, Mental Health Department, and Medical Department named in Plaintiff's Complaint (Doc. 2) be **DISMISSED** as parties to the instant action. (Doc. 8). It is also recommended that Plaintiff's claim of verbal abuse by Defendant Mason and Plaintiff's claim that he was not allowed to go to the prison store both be **DISMISSED**. No objection has been filed to date.¹

Upon full review and consideration of the record, the Court finds that said Report and Recommendation (Doc. 8) should be, and hereby is, **ACCEPTED, ADOPTED** and made the Order of this Court for reason of the findings made and reasons stated therein. Accordingly, Defendants Sheriff Pete Smith, Mental Health Department, and Medical Department named in Plaintiff's Complaint (Doc. 2) are hereby **DISMISSED** as parties to the instant action. Plaintiff's claim of verbal abuse by Defendant Mason alleged in his Complaint (Doc. 2) is

¹ Plaintiff filed a motion to amend his complaint (Doc. 13) wherein which he sought to add defendants and amend his claims. United States Magistrate Judge Claude W. Hicks, Jr. granted Plaintiff's motion to amend on November 20, 2009; and, accordingly, the instant action remains pending. (Doc. 26).

DISMISSED. Plaintiff's claim that he was not allowed to go to the prison store set forth in his Complaint (Doc. 2) is also **DISMISSED.**

SO ORDERED, this 30th day of April, 2010.

/s/ W. Louis Sands
THE HONORABLE W. LOUIS SANDS,
UNITED STATES DISTRICT COURT